

Message Text

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ACTION STR-07

INFO OCT-01 ISO-00 STRE-00 AGRE-00 CEA-01 CIAE-00
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DOE-15 XMB-02 OPIC-03 IO-13 AF-10 ARA-10 EA-10
EUR-12 NEA-11 /172 W

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R 122108Z MAY 78

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC 0194

INFO USMISSION GENEVA

AMEMBASSY BUENOS AIRES

AMEMBASSY BRASILIA

AMEMBASSY CARACAS

AMCONSUL SAO PAULO

AMCONSUL RIO DE JANEIRO

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PASS STR ELECTRONICALLY GENEVA FOR MTN

EO 11652: N/A

TAGS: ETRD, MTN, BR

SUBJECT: U.S.-BRAZIL SUB-GROUP ON TRADE MORNING SESSION,
MAY 9: BILATERAL ISSUES RAISED BY THE U.S. - REVISED
AND FINAL VERSION

1. SUMMARY. BRAZILIAN NEGOTIATORS AT THE MAY 9 MORNING
SESSION OF THE U.S.-BRAZIL SUB-GROUP ON TRADE APPEARED
SOMEWHAT ON THE DEFENSIVE AS THE U.S. DELEGATION PRESSED
A SERIES OF BILATERAL ISSUES. ON THE ISSUE OF GATT
ARTICLE XXVIII, THE BRAZILIAN DELEGATION WAS NOT PRE-
PARED TO PROVIDE A SUBSTANTIVE RESPONSE, APPARENTLY DUE
TO CONTINUED INTERNAL GOB DIFFERENCES, BUT WAS CLEARLY
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APPREHENSIVE OVER POSSIBLE U.S. WITHDRAWAL OF TARIFF
CONCESSION. HEAD OF BRAZILIAN DELEGATION PROENCA ROSA
LIMITED HIS RESPONSE TO A REQUEST FOR MORE TIME TO
ADDRESS THIS PROBLEM (HE SUGGESTED THAT SUBSTANTIAL
PROGRESS COULD BE MADE AT A PROPOSED EARLY JUNE MEETING,
WITH A LATE JUNE FOLLOW-UP MEETING) WITHOUT MAKING A
SUBSTANTIVE DEFENSE OF THE BRAZILIAN POSITION. ON

BILATERAL ISSUES PIRES (FONMIN'S TRANSPORTATION DIVISION CHIEF) DEFENDED THE SEA-LAND DECISION AS NECESSARY TO CONTROL SHIPPING (BEING A THREAT TO THE POOLING ARRANGEMENT), ANTONIO LICIO (MINISTRY OF AGRICULTURE) RAISED HOPE THAT THE LONG STANDING APPLES AND PEARS QUESTION CAN BE RESOLVED, AND GENERAL AVIATION ISSUES WILL BE FURTHER DISCUSSED IN GENEVA BUT WITH LITTLE HOPE FOR PROGRESS. END SUMMARY.

2. ARTICLE XXVIII. U.S. DELSDD

AND MONTGOMERY) STARTED THE MORNING MAY 9 SESSION OF THE SUB-GROUP ON TRADE WITH THE PRESENTATION OF THE U.S. POSITION ON ARTICLE XXVIII GATT WAIVER. THEY MENTIONED THAT BRAZILIAN COMPENSATION FOR THE CONCESSIONS WITHDRAWN UNDER ARTICLE XXVIII HAS BEEN A LONG-STANDING ISSUE (NEARLY 10 YEARS) AND THAT THE MTN, ALTHOUGH NOT LINKED WITH THESE DISCUSSIONS, PROVIDES AN OPPORTUNITY TO REACH A FINAL SETTLEMENT. IT WAS STRESSED THAT THE U.S. HAS PRESENTED A REQUEST LIST TO RESTORE THE BALANCE OF U.S.-BRAZILIAN/CONCESSIONS BUT THAT THUS FAR THE BRAZILIANS HAVE NOT RESPONDED TO IT. THE DELEGATION MENTIONED THAT THE LONG DELAY IN RESOLVING THIS ISSUE CALLS INTO QUESTION THE VALUE AND SECURITY OF ANY FUTURE BRAZILIAN CONCESSIONS IN THE MTN. FINALLY THE DELEGATION EMPHASIZED THAT IT IS TIME FOR A SATISFACTORY BRAZILIAN RESPONSE AND THAT WE ARE CURRENTLY CONSIDERING TAKING STEPS, UNDER OUR GATT RIGHTS FOR THE WITHDRAWAL OF U.S. CONCESSIONS. LIMITED OFFICIAL USE

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3. AFTER A LONG DISCUSSION AMONG MEMBERS OF THE BRAZILIAN DELEGATION, PROENCA ROSA WITHOUT ATTEMPTING TO MAKE ANY SUBSTANTIVE DEFENSE OF THE BRAZILIAN POSITION, ASKED FOR FURTHER TIME TO RESOLVE INTERNAL BRAZILIAN GOVERNMENT DIFFERENCES. PROENCA ROSA EXPLAINED THAT THE GOB IS URGENTLY EXPLORING POSSIBILITIES TO SOLVE THE COMPENSATION PROBLEM AND WAS OPTIMISTIC THAT A NEGOTIATED SOLUTION COULD BE FOUND. HE STATED HIS BELIEF THAT VERY SIGNIFICANT PROGRESS COULD BE MADE IN THE NEXT CONSULTATIONS (HE PROPOSED EARLY JUNE IN GENEVA) INCLUDING DETAILED PRODUCT-BY-PRODUCT EXAMINATION OF THE U.S. REQUEST. HE ADDED THAT, IF NECESSARY, A FURTHER CONSULTATION COULD BE SCHEDULED (HE PROPOSED LATE JUNE) TO NEGOTIATE A SOLUTION. HE STRESSED THAT THE GOB IS LOOKING FOR A NEGOTIATED SETTLEMENT AND URGED THAT THE U.S. NOT TAKE ANY ACTIONS IN THE NEXT FEW WEEKS THAT WOULD DAMAGE EFFORTS WITHIN THE GOB TO REACH A CONSENSUS ON A RESPONSE, HARM EFFORTS TO BRING THE MTN TO AN EARLY AND SUCCESSFUL CONCLUSION AND COMPLICATED GENERAL BILATERAL RELATIONS BETWEEN THE U.S. AND BRAZIL.

4. AMBASSADOR WOLFF STATED THAT THE U.S. HAS DRAWN UP A TENTATIVE LIST OF CONCESSIONS TO BE WITHDRAWN IN PREPARATION FOR PUBLIC HEARING ON THIS QUESTION. HE ADDED THAT IN VIEW OF THE BRAZILIAN REQUEST FOR ADDITIONAL TIME TO PREPARE FOR CONSULTATIONS IN JUNE THE U.S. WILL HOLD BACK HEARINGS ON U.S. WITHDRAWALS; HOWEVER, IF THE EARLY JUNE MEETINGS DO NOT PROVIDE GROUNDS FOR OPTIMISM FOR A NEGOTIATED SETTLEMENT, PUBLIC HEARINGS WOULD HAVE TO BE SCHEDULED. AMBASSADOR WOLFF EMPHASIZED THAT PREPARATIONS FOR WITHDRAWAL OF TARIFF CONCESSIONS ARE NOT A THREAT BUT NORMAL PROCEDURE UNDER ARTICLE XXVIII TO BALANCE CONTRACTUAL OBLIGATIONS. HE MENTIONED THAT IN VIEW OF BRAZIL'S STATUS AS A DEVELOPING NATION THE TENTATIVE LIST OF PRODUCTS TO BE WITHDRAWN REPRESENTS A LIMITED OFFICIAL USE

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R 122108Z MAY 78
FM AMEMBASSY MEXICO
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SMALLER PORTION OF TRADE VALUE THAN THE CONCESSIONS
WITHDRAWN BY BRAZIL UNDER THE GATT WAIVER CLAUSE. AT
PROENCA ROSA'S REQUEST, A COPY OF THE TENTATIVE WITHDRAWAL
LIST WAS GIVEN THE BRAZILIAN DELEGATION.

5. TEXT OF TENTATIVE WITHDRAWAL LIST FOLLOWS:

QUOTE. TENTATIVE LIST 1/

TSOS	DESCRIPTION
------	-------------

40.40.24	CATFISH, FILLETED; FRESH, CHILLED OR
-	FROZEN

121.20	PATENT LEATHER
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141.79	PALM HEARTS, PREPARED OR PRESERVED
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145.42	BRAZIL NUTS, SHELLED, BLANKED OR OTHER-
-	WISE PREPARED OR PRESERVED

152.54	GUAVA, PASTE OR PULP
--------	----------------------

165.40	GRAPE JUICE
--------	-------------

202.12	PARANA PINE
--------	-------------

380.18	OTHER MEN'S AND BOY'S COTTON DRESSING
-	GOWNS, KNIT OR NOT KNIT

437.64	MENTHOL
--------	---------

685.21	CAR RADIOS
--------	------------

700.45.10	WOMEN'S FOOTWEAR, LEATHER, CASUAL
-----------	-----------------------------------

730.27	RIFLES, VALUED OVER \$10 BUT NOT OVER
	\$25 EACH

730.41	SHOTGUNS, VALUED OVER \$10 BUT NOT OVER
	\$25 EACH

THIS IS A PRELIMINARY LIST. WE ARE STILL RESEARCHING
ITEMS APPROPRIATE FOR THE LIST. PRODUCT COVERAGE, THE
AMOUNT OF DUTY INCREASES AND TOTAL TRADE COVERAGE ARE
STILL NOT DECIDED.

1/ DOES NOT INCLUDE ORANGE JUICE. END QUOTE.

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6. SEA-LAND. AMBASSADOR WOLFF PROVIDED AN OVERVIEW OF THE SEA-LAND PROBLEM AND STATED THAT SEA-LAND IS CONSIDERING SUBMITTING A SECTION 301 ACTION. HE STRESSED OUR CONCERN OVER THE LIMITATIONS ON TRANSSHIPMENTS TO BRAZIL THROUGH PUERTO RICO, STRESSING OUR CONCERN OVER THE LAW'S INTERFERENCE WITH INTERNAL U.S. COMMERCE.

7. HELCIO TAVARES PIRES (FONMIN'S TRANSPORTATION DIVISION CHIEF) PRESENTED THE BRAZILIAN VIEW OF THE PROBLEM. HE STATED THAT SEA-LAND IS WELCOME IN BRAZIL BUT THAT THE COMPANY WOULD HAVE TO ABIDE BY BRAZILIAN LAWS AND REGULATIONS AND THAT THE SEA-LAND DECISION HAD BEEN TAKEN AT THE HIGHEST LEVELS (I.E. IT HAD PRESIDENT GEISEL'S APPROVAL). HE EMPHASIZED THAT AS SEA-LAND IS ONLY COMPETING FOR THE U.S. PORTION OF THE POOL, BRAZIL DOES NOT HAVE A DIRECT COMMERCIAL INTEREST TO PROTECT. HOWEVER, SEA-LAND'S ENTRY HAS BEEN OPPOSED BY TWO AMERICAN COMPANIES, MOORE-MC CORMICK AND DELTA LINES. HE EXPLAINED THAT THE COMPANY HAS RUN UP AGAINST TWO BRAZILIAN SHIP-PING REGULATIONS -- A RESTRICTION WHICH REQUIRES CARGO CONTAINERS TO MEET ISO STANDARDS (I.E., 10, 20, 40 FOOT CONTAINERS) AND A REQUIREMENT THAT CARGOES BE SHIPPED DIRECTLY FROM PORT OF ORIGIN TO PORT OF DESTINATION. THE RESTRICTION ON CARGO CONTAINERS IS DUE TO PLANS, ALREADY FORMULATED, TO BUILD TERMINALS IN RIO AND SAO PAULO WHICH WILL ONLY ACCOMMODATE STANDARD ISO CONTAINERS. PIRES ADDED THAT THE BRAZILIAN LAW RESTRICTING CARGO SHIPMENT TO POINT OF ORIGIN (FORBIDDING TRANSSHIPMENT THROUGH PUERTO RICO) IS DESIGNED TO PROTECT BRAZILIAN CARGO POOLING ARRANGEMENTS WITH OTHER NATIONS. AS PUERTO RICO IS CURRENTLY OUTSIDE THE U.S.-BRAZIL POOLING ARRANGEMENTS, SEA-LAND'S ENTRY INTO THE BRAZILIAN TRADE (IF OPERATIONS ARE CARRIED OUT THROUGH SEA-LAND'S TERMINAL IN PUERTO RICO) COULD MAKE IT IMPOSSIBLE TO CONTROL THE SHARING OF CARGOES BETWEEN U.S. AND BRAZILIAN LINES

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AND THEREFORE DAMAGE BOTH THE U.S. AND BRAZILIAN INDUSTRIES. HE WENT ON TO EXPLAIN THAT BRAZIL HAD WISHED TO MODIFY THE CURRENT U.S./BRAZILIAN POOLING ARRANGEMENT WITHOUT AROUSING U.S. INTEREST, AND THAT PRESENT DIFFICULTIES COULD HAVE BEEN AVOIDED IF THE BRAZILIAN REVISIONS HAD BEEN ACCEPTED. AMBASSADOR WOLFF RESPONDED BY EMPHASIZING U.S. INTEREST IN A SOLUTION OF THIS PROBLEM. HE READ EXCERPTS FROM THE LETTER TO GENERAL NEWTON CYRO BRAGA FROM MARAD BLACKWELL AS PRESENT U.S. POSITION.

8. APPLES, PEARS, ALMONDS. USDEL (WHITE) GAVE A PRESENTATION ON THE LONG STANDING APPLES AND PEARS AND DRIED FRUITS AND NUTS DISPUTES. USDEL STRESSED THAT ALTHOUGH THE TRADE VOLUME IN THESE ITEMS IS SMALL, THE ISSUE IS POLITICALLY SENSITIVE. WHITE REVIEWED THE U.S. SUGGESTIONS FOR A SOLUTION TO THESE PROBLEMS ALLOWING APPLES AND PEARS TO COME IN UNDER A QUOTA AND A REDUCTION OF THE PERIOD REQUIRED BY BRAZILIAN PRIOR DEPOSIT REGULATIONS TO 90 DAYS. ANTONIO LICIO (MINISTRY OF AGRICULTURE) ASKED FOR AND RECEIVED A CLARIFICATION THAT THE REQUESTED QUOTA

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TIONS FOR A SOLUTION TO THESE PROBLEMS ALLOWING APPLES AND PEARS TO COME IN UNDER A QUOTA AND A REDUCTION OF THE PERIOD REQUIRED BY BRAZILIAN PRIOR DEPOSIT REGULATIONS TO 90 DAYS. ANTONIO LICIO (MINISTRY OF AGRICULTURE) ASKED FOR AND RECEIVED A CLARIFICATION THAT THE REQUESTED QUOTA

OF 10,000 METRIC TONS APPLIED TO BOTH APPLES AND PEARS. IN RESPONSE HE STATED THAT THE GOB IS ENGAGED IN INTERNAL DISCUSSIONS ON THIS SUBJECT AND FEELS THE PROSPECTS FOR SETTLEMENT ARE GOOD. BRAZILIANS SUGGESTED THAT THEY TALK ABOUT THE ISSUE IN JUNE CONSULTATIONS.

9. IN REGARD TO GENERAL AVIATION ISSUES, THE USDEL (MONTGOMERY) SAID THAT THE U.S. BELIEVES AS A GENERAL PRINCIPLE THAT A COUNTRY SHOULD PERMIT A REASONABLE LEVEL OF IMPORTS IN A SECTOR EVEN WHEN IT IS JUST BEGINNING PRODUCTION IN THAT SECTOR. THE COMPETITION FROM ABROAD HELPS THE COUNTRY BY STIMULATING EFFICIENCY AND REDUCING COSTS. AS A CASE IN POINT, CESSNA HAS EXPRESSED CONCERN OVER NOT BEING PERMITTED TO EXPORT TO BRAZIL; AT THE SAME TIME PRICES OF BRAZILIAN AIRCRAFT ARE CONSIDERABLY MORE EXPENSIVE THAN SIMILAR MODELS MADE IN THE U.S. CESSNA AND ITS BRAZILIAN PARTNER CAVU HAVE PROPOSED INSTALLING AN ASSEMBLY PLANT IN BRAZIL. GOB AUTHORITIES TURNED DOWN THE FIRST PROPOSAL, BUT THE USG HOPES THEY WILL APPROVE THE REVISED PROPOSAL.

IN RESPONSE, THE BRAZILIAN DELEGATE (FONMIN'S HUGUENEY) SAID THAT BRAZIL PROTECTS THE AVIATION INDUSTRY UNDER PARTS A AND G OF GATT ARTICLE XVIII CONCERNING INFANT INDUSTRIES. IN 1974 BRAZIL CONSIDERED NEGOTIATIONS FOR A WAIVER UNDER THIS ARTICLE BUT WAS INFORMED BY THE U.S. AND EC THAT IT SHOULD NEGOTIATE UNDER ARTICLE XXVIII INSTEAD. BRAZILIAN IMPORTS OF AIRCRAFT PARTS ARE NOW MUCH LIMITED OFFICIAL USE

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HIGHER IN VALUE THAN THE PREVIOUS IMPORTS OF FINISHED AIRCRAFT. BRAZILIAN AIRCRAFT PRICES ARE NECESSARILY HIGHER THAN THOSE OF U.S. AIRCRAFT BECAUSE BRAZIL IS ONLY JUST GETTING STARTED IN THIS HIGH TECHNOLOGY FIELD. THE PRICES WOULD BE LOWER, HOWEVER, IF THE U.S. WOULD NOT RAISE OBSTACLES TO BRAZILIAN EXPORTS SUCH AS THE LACK OF FAA CERTIFICATION OF THE 19-PASSENGER BANDEIRANTE AIRPLANE.

10. MONTGOMERY REPLIED THAT IF BRAZIL WISHES TO COMPETE IN THE U.S. MARKET, IT MUST REALIZE THAT IT IS NOT NOW PRICE-COMPETITIVE. INTRODUCING COMPETITION IS ONE WAY TO REDUCE COSTS. THE USG WOULD THEREFORE ENCOURAGE THE GOB TO APPROVE CESSNA'S APPLICATION FOR AN ASSEMBLY PLANT.

11. LANDE ASKED WHETHER BRAZIL HAD THOUGHT OF TAKING INTO ACCOUNT THE TRADITIONAL SUPPLIERS OF AN ITEM SUCH AS AIRCRAFT AND ALLOWING THE NEW, BRAZILIAN INDUSTRY TO TAKE ADVANTAGE OF THE GROWTH IN THE MARKET. HUGUENEY ANSWERED THAT FOR THE THREE SECTORS UNDER CON-

TROL, BRAZIL STILL IMPORTS SMALL AIRPLANES, QUOTE HUGE
AMOUNTS OF STEEL PRODUCTS AND SIGNIFICANT NUMBERS
END QUOTE OF COMPUTERS. HE SAID IT WAS THEREFORE NOT A
QUESTION OF BRAZIL'S CLOSING ITS MARKET TO EXPORTERS IN
THESE SECTORS. THE BRAZILIAN AIRCRAFT INDUSTRY HAS A
NUMBER OF AIRCRAFT IN STOCK AND IT IS, THEREFORE, NOT A
QUESTION OF IMPORTS VERSUS DOMESTIC PRODUCTION. IN
RESPONSE TO A QUESTION FROM LANDE, HUGUENEY SAID BRAZIL
WOULD AGREE TO DISCUSS AVIATION AS PART OF THE JUNE
GENEVA DISCUSSION, BUT PROSPECTS IN THIS SECTOR WERE NOT
AS BRIGHT AS IN APPLES AND PEARS. THOMPSON

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